

J. ERNEST KENNEY  
EUGENE MAR  
RICHARD E. FICHTER  
THOMAS J. MOORE  
ERIC S. SPECTOR  
FELIX L. D'AMBROSIO  
JOSEPH DEBENEDECTIS  
BENJAMIN E. LURCIA  
WONKI PARK  
JUSTIN J. CASSELL

LAW OFFICES

BACON & THOMAS, PLLC

625 SLATERS LANE - FOURTH FLOOR  
ALEXANDRIA, VIRGINIA 22314-1176  
U.S.A.

MAR 04 2005

TELEPHONE  
(703) 683-0500

FACSIMILE  
(703) 683-1080  
(703) 683-0884

GEORGE CHUNG CHIN CHEN\*

\* BAR OTHER THAN VA.  
\* REG. PATENT AGENT

E-Mail  
mail@baconthomas.com

## FACSIMILE COMMUNICATION

To: Examiner M. Haghighatian  
TC/AU: 1616

Date: March 4, 2005

Fax #: 571-273-8300

Re: U.S. Patent Application Serial No. 10/774,393  
Inventors: CRIPPS et al.

From: Kathy Depasse for Richard E. Fichter

Total pages: 3

### Confidential/Privileged

This communication contains confidential information that is intended to be received and read only by the party named as addressee (listed after "To:" at the left). This communication may contain information that is subject to the attorney/client privilege and/or a court order restricting its dissemination. No one else is entitled to read, use, copy or disseminate this communication or the information contained herein. If you are not the addressee, or the agent of the addressee, then contact us immediately by telephone (collect) or facsimile and arrangements will be made for the return to us of this communication.

Thank you, BACON & THOMAS, PLLC.

### Message:

Attached herewith please find an executed copy of the Terminal Disclaimer as requested this morning. We apologize for the oversight and appreciate your careful attention to this matter. Please let us know if there is anything further needed. Thank you.

**RECEIVED  
CENTRAL FAX CENTER****MAR 04 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : CRIPPS et al. Confirmation No: 1830  
Appl. No. : 10/774,393  
Filed : February 10, 2004  
Title : PHARMACEUTICAL FORMULATION OF FLUTICASONE  
: PROPIONATE

TC/A.U. : 1616  
Examiner : M Haghighatian

Docket No.: CRIP3001C3/REF  
Customer No: 23364

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Richard E. Fichter, represent that I am the attorney of record for the above-identified application.

SmithKline Beecham Corporation (hereinafter referred to as "Assignee") is the owner of the entire right and title to the above-captioned patent application and the invention and improvements therein disclosed for the United States, by virtue of an assignment from the inventors to SmithKline Beecham Corporation dated March 31, 2001, and recorded on September 11, 2002. The assignee is also the owner of the entire right and title to U.S. Patent No. 6,479,035 issued on November 12, 2002 and U.S. Patent No. 6,630,129 issued on October 7, 2003, by virtue of the same assignment from the inventors to SmithKline Beecham Corporation. The present application and the '035 and '129 patents are based on the same initial filing in the United States.

The terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,479,035 and 6,630,129 is hereby disclaimed. Any patent granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the U.S. Patent Nos. 6,479,035 and 6,630,129, this agreement to run with any patent on the above-captioned application to be binding upon the grantee, its successors or assigns.

Appl. No. 10/774,393  
Amendment dated: January 4, 2005  
Reply to OA of: October 7, 2004

However, no rights available under the provisions of 35 U.S.C. §§155 and 156 are hereby waived.


No terminal part is disclaimed of any patent granted on the above-captioned application prior to the expiration date of the full statutory term of the U.S. Patent Nos. 6,479,035 and 6,630,129 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

The Terminal Disclaimer fee of \$130.00 is submitted herewith. Please charge any additional fees or credit any overpayments in connection with this paper to Deposit Account No. 02-0200. A duplicate copy of this paper is enclosed.

I, Richard E. Fichter, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned patent.

Respectfully submitted,

BACON & THOMAS, PLLC

By:   
Richard E. Fichter  
Registration No. 26,382

625 Slaters Lane, 4<sup>th</sup> Fl.  
Alexandria, Virginia 22314  
Phone: (703) 683-0500  
Facsimile: (703) 683-1080

REF:kdd  
Terminal Disclaimer.wpd

January 4, 2005